

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, AUGUST 14, 2018**

Vice-Chairperson Bob Yoder called the meeting to order at 9:00 a.m. in the Courthouse chambers in regular session. Items on the agenda included the following: approval of agenda; public hearing regarding instituting proceedings and taking action on an agreement for release of an easement over certain property located in Section 30, Township 76 North, Range 9 West, to Vision Ag, LLC, Keota; Resolution 18-37 regarding public hearing to release easement for Kewash Trailhead; Resolution 18-36 regarding 28E agreement between Washington County Conservation and Washington County Sheriff; Engineer's report; acknowledgement of equipment purchase – County Engineer; personnel change request – Assessor; personnel change request – Sheriff; public comment; adjourn. Supervisors Stan Stoops, Jack Seward, Jr., and Richard Young were also present. Abe Miller was absent.

Others attending were: Mary Zielinski, The News; David Hotle, Washington Evening Journal; Zach Ulin, KCII Radio; John Gish, County Attorney; Danielle Pettit-Majewski, County Public Health Director; Cyndie Sinn, County IT/Budget Director; Marissa Reisen, County Emergency Management Director; Jacob Thorius, County Engineer; Jared Schneider, County Sheriff; Steve Anderson and Zach Rozmus, County Conservation; Jo Greiner, County Recorder; Jeff Garrett, County Treasurer; Amber Williams, Board of Supervisors Administrative Assistant; and citizens Karyl Miller, Bill Miller, Tom Duwa, Bette Brant, and Les Zickefoose.

All motions were passed unanimously by those Supervisors in attendance unless noted otherwise.

On motion by Stoops, seconded by Seward, the Board voted to approve the agenda as published.

On motion by Seward, seconded by Young, the Board voted to open a public hearing regarding instituting proceedings and taking action on an agreement for the release of an easement over certain property located in Section 30, Township 76 North, Range 9 West, to Vision Ag, LLC, Keota. Auditor Dan Widmer stated that notice of the hearing had been published as required on Friday, August 10, 2018. County Attorney John Gish shared that at its meeting held on August 9, 2018, the Washington County Conservation Board (WCCB) was unable to take action to release the easement to Vision Ag, LLC, Keota as anticipated. Gish opined that such formal action by the WCCB is required before formal action may be taken by the Board of Supervisors which results in the need for another public hearing to take place after the WCCB takes formal action. The WCCB plans to take such formal action at a special meeting scheduled for Monday, August 20, 2018. On motion by Young, seconded by Stoops, the Board voted to close the public session.

On motion by Young, seconded by Seward, the Board voted by way of roll call vote to approve Resolution 18-37 as follows and to authorize the Vice-Chairperson to sign Resolution 18-37 on behalf of the Board.

**RESOLUTION 18-37**

**Resolution to fix a date for a public hearing on proposal to enter into an Agreement for the release of an easement located in Section 30, Township 76 North, Range 9 West of the 5th P.M. with no consideration to the County.**

**WHEREAS**, the Board of Supervisors of Washington County, Iowa (the "County") proposes to enter into an agreement (the "Agreement") pursuant to Iowa Code Section 331.361 for the release of an easement to Vision Ag, LLC:

**The North 50 feet of a permanent easement, 100 feet in width, being 50 feet either side of the centerline of the Kewash Railroad, for ingress and egress, commencing at a point on the centerline of said railroad right-of-way, 500 feet east of the point where the centerline of the Kewash Railroad intersects with the Washington/Keokuk County Line, the point of beginning, thence westerly 500 feet to the point where the Kewash Railroad intersects with the Washington/Keokuk County Line. The above description being the permanent easement granted to the Washington County Conservation Board by Kewash Railroad, Inc. by Quit Claim deed, filed for record at Book 100 page 344**

**WHEREAS**, this real estate was previously owned by the Kewash Railroad, Inc.

**WHEREAS**, the Washington County Conservation Board acquired a permanent easement from the Kewash Railroad, Inc. for the purpose of establishing the Kewash Trailhead.

**WHEREAS**, the parties desire to re-route the Kewash Trailhead.

**WHEREAS**, the County no longer plans to use the current easement, and Vision Ag, LLC desires to take possession of the easement, and thereby assume all risks of railway line reactivation under the National Trails System Act, 16 U.S.C. 1247(d).

**WHEREAS**, the release of the easement is a condition to the approval of the Agreement, wherein the City of Keota shall purchase property from Vision Ag, LLC for the purposes of re-routing the Kewash Trailhead.

**WHEREAS**, the Washington County Conservation Board has approved the Agreement and release of the easement, and asks the County to approve the Agreement and release of the easement.

**WHEREAS**, as part of the Agreement, the County shall bear no costs associated with the transfer of the real estate.

**WHEREAS** it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the Agreement and to give notice thereof as required by law.

Be It Resolved by the Board of Supervisors of Washington County, Iowa, as follows:

**Section 1.** The Board of Supervisors shall meet on the 21<sup>st</sup> day of August, 2018, at the Washington County Courthouse, 222 West Main Street, Washington, Iowa, at 9:00 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Agreement. The County Auditor is hereby authorized to select a different date for the public hearing, should it be necessary to meet the notice and publication requirements as set forth in Section 2 of this resolution.

**Section 2.** The County Auditor is hereby directed to give notice of the proposed action on the Agreement setting forth the terms of the Agreement, including the purchase price, the time when and place where the said meeting will be held by publication at least once and not less than four days and not more than 20 days before the date selected for the meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO AN AGREEMENT FOR THE RELEASE OF AN EASEMENT AT THE KEWASH TRAILHEAD LOCATED IN SECTION 30, TOWNSHIP 76 NORTH, RANGE 9 WEST OF THE 5TH P.M. TO VISION AG, LLC FOR NO CONSIDERATION TO THE COUNTY.

The Board of Supervisors shall meet on the 21<sup>st</sup> day of August, 2018, at the Washington County Courthouse, 222 West Main Street, Washington, Iowa, at 9:00 o'clock a.m., for the purpose of instituting proceedings and taking action on an agreement (the "Agreement") for the release of an easement over the following described property to Vision Ag, LLC for no consideration to the County:

**The North 50 feet of a permanent easement, 100 feet in width, being 50 feet either side of the centerline of the Kewash Railroad, for ingress and egress, commencing at a point on the centerline of said railroad right-of-way, 500 feet east of the point where the centerline of the Kewash Railroad intersects with the Washington/Keokuk County Line, the point of beginning, thence westerly 500 feet to the point where the Kewash Railroad intersects with the Washington/Keokuk County Line. The above description being the permanent easement granted to the Washington County Conservation Board by Kewash Railroad, Inc. by Quit Claim deed, filed for record at Book 100 page 344**

This real estate was acquired by the Washington County Conservation Board from the Kewash Railroad, Inc. for the purpose of the Kewash Trailhead, and the property is no longer required as a result of a new planned location for the Kewash Trailhead. As part of the terms of the Agreement, the County will pay no costs associated with this transfer.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Agreement. After receiving objections, the County may determine to enter into the Agreement and release the easement to Vision Ag, LLC of Keota, Iowa, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

At any time before the date fixed for taking action to enter into the Agreement, a petition may be filed with the County Auditor asking the question of entering into an Agreement with Vision Ag, LLC, Keota, Iowa, for the release of an easement located in Section 30, Township 76 North, Range 9 West of the 5th P.M., in Washington County, Iowa, be submitted to the registered voters of the County.

By order of the Board of Supervisors of Washington County, Iowa.

Daniel L. Widmer  
County Auditor

On motion by Seward, seconded by Young, the Board voted by way of roll call vote to approve Resolution 18-36 as follows and to authorize the Vice-Chairperson to sign Resolution 18-36 on behalf of the Board.

#### **RESOLUTION 18-36**

#### **APPROVING 28E AGREEMENT BETWEEN WASHINGTON COUNTY SHERIFF'S OFFICE AND WASHINGTON COUNTY CONSERVATION BOARD**

**WHEREAS**, Iowa Code Chapter 350 prevents the Washington County Conservation Board from enforcing laws outside the specific jurisdiction controlled by the Washington County Conservation Board.

**WHEREAS**, the Washington County Conservation Board and Washington County Sheriff's Office desire to enter into a 28E Agreement permitting certified peace officers with the Washington County Conservation Board to conduct law enforcement within Washington County, and outside grounds controlled by the Washington County Conservation Board.

**BE IT THEREFORE RESOLVED**, that the Washington County Board of Supervisors hereby adopts and approves the 28E Agreement FOR JOINT EXERCISE OF LAW ENFORCEMENT AUTHORITY BETWEEN THE WASHINGTON COUNTY CONSERVATION BOARD AND THE WASHINGTON COUNTY SHERIFF'S OFFICE.

The Board reviewed a report provided by County Engineer Jacob Thorius that listed maintenance activities performed by Secondary Roads staff during the week of August 5, 2018. The list included blading gravel and dirt roads, hauling rock, cutting brush, mowing and miscellaneous work on paved and gravel road shoulders, shoulder improvement work on 210<sup>th</sup> Street east of Riverside Road, replacement of crossroad and entrance pipes, cold patch work on various roads, seeding, and sign installation. The list also included construction work consisting of continued progress on the shoulder areas of Riverside Road, pouring the deck on the 275th St. Bridge project located east of Hoot Owl Hollow, saw and seal work on Highway W47 (Coppock Road) and finally the removal of a bridge on Orange Avenue southeast of Richmond that will be replaced with a culvert. The Board took no formal action.

Thorius shared plans to purchase a 2018 Chevrolet Silverado 1500 double cab pickup for \$25,775.60 from Karl Chevrolet in Des Moines, Iowa. The new vehicle will replace a 2007 Ford Explorer that was deemed a total loss as a result of an accident. Thorius stated that the bid from Karl Chevrolet was approximately \$5,000.00 lower than other bids. On motion by Stoops, seconded by Seward, the Board voted to acknowledge the purchase of a Chevrolet Silverado pickup from Karl Chevrolet, Des Moines, at a price of \$25,775.60.

On motion by Young, seconded by Stoops, the Board voted to acknowledge a personnel change request from the Assessor for the hiring of Jennifer Morgan as a full-time office clerk at the rate of \$14.00 per hour, effective August 8, 2018. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Seward, seconded by Young, the Board voted to acknowledge a personnel change request from the Sheriff for the hiring of Chelsea Lucinda Castro as a part-time jailer at the rate of \$17.05 per hour, effective August 14, 2018. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

At the conclusion of the meeting Seward provided an update with regard to the operation of the Washington County Recycling Center (WCRC) by WEMIGA Waste, Inc. (WEMIGA). WEMIGA operates the WCRC according to a contractual arrangement with Washington County and the City of Washington. On July 10, 2018 the Board voted to approve an amendment to the contract in response to recent developments in the recycling industry that are having adverse effects on the profits of recyclers. At its meeting on August 7, 2018 the Washington City Council discussed the same amendment but did not take formal action and instead plans to revisit the matter at its next meeting. If the City, County, and WEMIGA are unable to agree on the specific wording for an amendment Seward suggested that a joint work session take place involving all three parties to the agreement.

At 9:42 a.m. on motion by Seward, seconded by Stoops, the Board voted to adjourn.

ATTEST:  
August 14, 2018

Bob Yoder  
Vice-Chairperson, Board of Supervisors

DANIEL L. WIDMER  
County Auditor